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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,384	05/16/2001	Timothy D. Allen	47767-2	3415
24115	7590	06/16/2006	EXAMINER	
BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP			HARBECK, TIMOTHY M	
50 S. MAIN STREET			ART UNIT	
AKRON, OH 44308			PAPER NUMBER	
			3628	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/858,384	<b>Applicant(s)</b> ALLEN ET AL.	
	<b>Examiner</b> Timothy M. Harbeck	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (Page 4, line 28). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-7, 21-22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al (hereinafter Kelly US 2001/0056397).

**Re Claim 1:** Kelly discloses a process for mortgage customer retention by a mortgage servicing institution comprising the steps of:

- Capturing customer indicia input by a borrower (Page 2, paragraph 0027)

Kelly does not explicitly disclose the steps of

- Identification of the borrower's mortgage servicing institution either through information input by said borrower or by using said input

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information to determine said borrower's mortgage servicing institution by comparison with a database of mortgaging servicing institutions

- Linking said borrower with said mortgage borrower's mortgage servicing institution; and
- Notification of the borrower's mortgage servicing institution

However Kelly does disclose that the object of his invention is to provide a mortgage instrument that can be continuously modified, either at the request of the customer or automatically when certain parameters have been met (See paragraphs 0008-0010 and 0027-0040). Furthermore Kelly notes that problems with existing systems, specifically for servicers of mortgages is that these institutions often lose customers due to refinancing when a modification might be more beneficial to all parties (paragraph 0006). Therefore it would have been obvious to anyone of ordinary skill in the art at the time of invention to modify Kelly to include the steps of identifying, linking and notifying a servicer if one of their customers is seeking a modification, so that these customers do not go the route of refinancing, but rather can modify their existing mortgage, saving the customer money and allowing the servicer to maintain their client. Identification is necessary to avoid inadvertently directing a customer to the wrong place, the linking step allows for the negotiation of an appropriate modification, and the notification of the servicing institution is necessary so that they are aware of a customer wishing to modify and they can enter negotiations or offer them a new rate.

**Re Claim 2:** Kelly discloses the claimed process supra and further discloses securing permission of said borrower prior to notification of said borrower's mortgage

servicing institution (Page 3 paragraph 0032; inherent in customer initiated; system initiated requests permission).

**Re Claim 5:** Kelly discloses the claimed process supra and further discloses displaying at least one of said borrower's mortgage servicing institution customer retention program (Paragraphs 0027-0040; via the use of the web site, a customer can view the modification plans, which are designed as a means of customer retention to counteract the risk of refinancing with a different entity).

**Re Claim 6:** Kelly discloses the claimed process supra and further discloses wherein said customer retention program further comprises at least one of: (iv) mortgage modification options (paragraphs 0030-0040).

**Re Claim 7:** Kelly discloses the claimed process supra and further discloses performing a mortgage modification and changing terms on said borrower's original mortgage (0027-0029).

**Re Claim 21:** Kelly discloses a process for mortgage customer retention by a mortgage servicing institution comprising the steps of:

- Capturing customer indicia input by a borrower (Page 2, paragraph 0027)
- Revising terms of said mortgage by interaction between said borrower and said mortgage servicing institution (0027-0040)

Kelly does not explicitly disclose the steps of

- Identification of the borrower's mortgage servicing institution either through information input by said borrower or by using said input

information to determine said borrower's mortgage servicing institution by comparison with a database of mortgaging servicing institutions

- Linking said borrower with said mortgage borrower's mortgage servicing institution; and
- Notification of the borrower's mortgage servicing institution

However Kelly does disclose that the object of his invention is to provide a mortgage instrument that can be continuously modified, either at the request of the customer or automatically when certain parameters have been met (See paragraphs 0008-0010 and 0027-0040). Furthermore Kelly notes that problems with existing systems, specifically for servicers of mortgages is that these institutions often lose customers due to refinancing when a modification might be more beneficial to all parties (paragraph 0006). Therefore it would have been obvious to anyone of ordinary skill in the art at the time of invention to modify Kelly to include the steps of identifying, linking and notifying a servicer if one of their customers is seeking a modification, so that these customers do not go the route of refinancing, but rather can modify their existing mortgage, saving the customer money and allowing the servicer to maintain their client. Identification is necessary to avoid inadvertently directing a customer to the wrong place, the linking step allows for the negotiation of an appropriate modification, and the notification of the servicing institution is necessary so that they are aware of a customer wishing to modify and they can enter negotiations or offer them a new rate.

**Re Claim 22:** Kelly discloses the claimed process supra and further discloses securing permission of said borrower prior to notification of said borrower's mortgage

servicing institution (Page 3 paragraph 0032; inherent in customer initiated; system initiated requests permission).

**Re Claim 25:** Kelly discloses the claimed process supra and further discloses displaying at least one of said borrower's mortgage servicing institution customer retention program (Paragraphs 0027-0040; via the use of the web site, a customer can view the modification plans, which are designed as a means of customer retention to counteract the risk of refinancing with a different entity).

**Re Claim 26:** Kelly discloses the claimed process supra and further discloses wherein said customer retention program further comprises at least one of: (iv) mortgage modification options (paragraphs 0030-0040).

Claims 3-4, 8-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Applicants disclosure.

**Re Claims 3 and 4:** Kelly discloses the claimed process supra but does not explicitly disclose the steps of identification of said borrower's mortgage servicing institution by a borrower's credit report and electronically parsing borrowers credit report to identify at least one of said borrower's mortgage servicing institutions. However it was old and well known in the art to obtain the identity of a borrowers mortgage servicing institution by means of a credit report, as evidenced by applicants own disclosure (paragraph 0022). Furthermore electronic parsing of documents for specific information was notoriously well known in the art at the time of invention. Therefore it would have been obvious to anyone of ordinary skill in the art at the time of invention to modify the system of Kelly to include these old and well-known features so that a proper

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determination of the mortgage servicer can be made if it is not initially known. Without this knowledge, the customer may not be directed to the appropriate place and may seek the more expensive refinancing alternative from a different institution.

**Re Claim 8:** Kelly discloses a process for a borrower's mortgage customer retention by a mortgage servicing institution comprising the steps of:

- Capturing customer indicia input by a borrower (Page 2, paragraph 0027)

Kelly does not explicitly disclose the steps of

- Identification of the borrower's mortgage servicing institution by a borrower's credit report
- Linking said borrower with said mortgage borrower's mortgage servicing institution; and
- Notification of the borrower's mortgage servicing institution

However Kelly does disclose that the object of his invention is to provide a mortgage instrument that can be continuously modified, either at the request of the customer or automatically when certain parameters have been met (See paragraphs 0008-0010 and 0027-0040). Furthermore Kelly notes that problems with existing systems, specifically for servicers of mortgages is that these institutions often lose customers due to refinancing when a modification might be more beneficial to all parties (paragraph 0006). It was also old and well known in the art to obtain the identity of a borrowers mortgage servicing institution by means of a credit report, as evidenced by applicants own disclosure (paragraph 0022). Therefore it would have been obvious to anyone of ordinary skill in the art at the time of invention to modify Kelly to include the



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steps of identifying, linking and notifying a servicer if one of their customers is seeking a modification, so that these customers do not go the route of refinancing, but rather can modify their existing mortgage, saving the customer money and allowing the servicer to maintain their client. Identification is necessary to avoid inadvertently directing a customer to the wrong place, the linking step allows for the negotiation of an appropriate modification, and the notification of the servicing institution is necessary so that they are aware of a customer wishing to modify and they can enter negotiations or offer them a new rate.

**Re Claim 9:** Kelly discloses the claimed process supra and further discloses securing permission of said borrower prior to notification of said borrower's mortgage servicing institution (Page 3 paragraph 0032; inherent in customer initiated; system initiated requests permission).

**Re Claim 10:** Kelly discloses the claimed process supra but does not explicitly disclose the step of electronically parsing borrowers credit report to identify at least one of said borrower's mortgage servicing institutions. However the step of parsing an electronic document was notoriously old and well known in the art at the time of invention and would have been obvious to anyone of ordinary skill. One would be motivated to modify the Kelly reference to include this step in order to identify particular bits of information from an electronic document.

**Re Claim 11:** Kelly discloses the claimed process supra and further discloses the step of displaying at least one borrower's servicing institution on a computer screen after electronically parsing said borrower's credit report (0019)

**Re Claim 12:** Kelly discloses the claimed process supra and further discloses displaying borrower's mortgage servicing institution's customer retention program (Paragraphs 0027-0040; via the use of the web site, a customer can view the modification plans, which are designed as a means of customer retention to counteract the risk of refinancing with a different entity).

**Re Claim 13:** Kelly discloses the claimed process supra and further discloses wherein said customer retention program further comprises at least one of: (iv) mortgage modification options (paragraphs 0030-0040).

**Re Claim 14:** Kelly discloses the claimed process supra and further discloses performing a mortgage modification on said borrower's mortgage (0027-0029).

**Re Claim 15:** Kelly discloses a process for a borrower's mortgage customer retention by a mortgage servicing institution comprising the steps of:

- Capturing customer indicia input by a borrower (Page 2, paragraph 0027)

Kelly does not explicitly disclose the steps of

- Identification of at least one of said borrower's mortgage servicing institution by a borrower's credit report
- Displaying at least one of said borrower's mortgage servicing institutions on a computer screen after reading said borrower's credit report
- Linking said borrower with said mortgage borrower's mortgage servicing institution; and
- Notification of the borrower's mortgage servicing institution

However Kelly does disclose that the object of his invention is to provide a mortgage instrument that can be continuously modified, either at the request of the customer or automatically when certain parameters have been met (See paragraphs 0008-0010 and 0027-0040). Furthermore Kelly notes that problems with existing systems, specifically for servicers of mortgages is that these institutions often lose customers due to refinancing when a modification might be more beneficial to all parties (paragraph 0006). It was also old and well known in the art to obtain the identity of a borrowers mortgage servicing institution by means of a credit report, as evidenced by applicants own disclosure (paragraph 0022). Therefore it would have been obvious to anyone of ordinary skill in the art at the time of invention to modify Kelly to include the steps of identifying, linking and notifying a servicer if one of their customers is seeking a modification, so that these customers do not go the route of refinancing, but rather can modify their existing mortgage, saving the customer money and allowing the servicer to maintain their client. Identification is necessary to avoid inadvertently directing a customer to the wrong place, the linking step allows for the negotiation of an appropriate modification, and the notification of the servicing institution is necessary so that they are aware of a customer wishing to modify and they can enter negotiations or offer them a new rate. Furthermore Kelly discloses a computer screen (Fig 1) and it is notoriously well known in the art and would therefore be obvious to anyone of ordinary skill, to utilize a screen to display electronic information.

**Re Claim 16:** Kelly discloses the claimed process supra and further discloses securing permission of said borrower prior to notification of said borrower's mortgage

servicing institution (Page 3 paragraph 0032; inherent in customer initiated; system initiated requests permission).

**Re Claim 17:** Kelly discloses the claimed process supra but does not explicitly disclose the step of electronically parsing borrowers credit report to identify at least one of said borrower's mortgage servicing institutions. However the step of parsing an electronic document was notoriously old and well known in the art at the time of invention and would have been obvious to anyone of ordinary skill. One would be motivated to modify the Kelly reference to include this step in order to identify particular bits of information from an electronic document. The display of this information is redundant from claim 15.

**Re Claim 18:** Kelly discloses the claimed process supra and further discloses displaying borrower's mortgage servicing institution's customer retention program (Paragraphs 0027-0040; via the use of the web site, a customer can view the modification plans, which are designed as a means of customer retention to counteract the risk of refinancing with a different entity).

**Re Claim 19:** Kelly discloses the claimed process supra and further discloses wherein said customer retention program further comprises at least one of: (iv) mortgage modification options (paragraphs 0030-0040).

**Re Claim 20:** Kelly discloses the claimed process supra and further discloses performing a mortgage modification on said borrower's mortgage (0027-0029).

**Re Claims 23 and 24:** Kelly discloses the claimed process supra but does not explicitly disclose the steps of identification of said borrower's mortgage servicing

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institution by a borrower's credit report and electronically parsing borrowers credit report to identify at least one of said borrower's mortgage servicing institutions. However it was old and well known in the art to obtain the identity of a borrowers mortgage servicing institution by means of a credit report, as evidenced by applicants own disclosure (paragraph 0022). Furthermore electronic parsing of documents for specific information was notoriously well known in the art at the time of invention. Therefore it would have been obvious to anyone of ordinary skill in the art at the time of invention to modify the system of Kelly to include these old and well-known features so that a proper determination of the mortgage servicer can be made if it is not initially known. Without this knowledge, the customer may not be directed to the appropriate place and may seek the more expensive refinancing alternative from a different institution.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

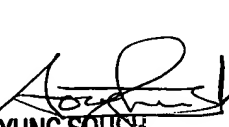
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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